

REMARKS

This Amendment is in response to the Office Action dated December 11, 2006, in which claims 1-3 were allowed, claims 11-13 were objected to, and claims 11-13, 15, 16, 19, 21-23, 25, 27, 28, and 39-53 were rejected under 35 U.S.C. § 112, second paragraph. With this Amendment, claims 13, 16, 23, 28, 39, 43, and 48 are amended.

Independent claim 13 and dependent claims 11 and 12 were objected to because the preamble of claim 13 was not underlined in the Supplemental Amendment filed October 28, 2005. With this Amendment claim 13 is fully underlined. The objection to claims 11-13 has been overcome.

Claims 11-13, 15, 16, 19, 21-23, 25, 27, 28, and 39-53 were rejected as being indefinite because each claim stated that a limited fluid flow was permitted through the refrigeration fluid suction line when the suction line valve is in a fully closed position. With this Amendment, each of the independent claims 13, 16, 23, 28, 39, 43, and 48 is amended to clarify the limited fluid flow is permitted when the suction line valve is in the fully closed position by alternating (claims 13, 16, 23, 28, 39, and 43) or rapidly pulsing (claim 48) the suction line valve between the fully open and fully closed positions. As taught in the present application, the suction line valve is alternated or rapidly pulsed between its opened and closed positions. As stated at col. 2, lines 38-48:

The operation described above is conventional and capacity is controlled through EEV20. Pursuant to the teachings of the present invention solenoid valve 54 can be rapidly pulsed to control the capacity of compressor 12. Since the pulsing will be more rapid than the response time of the system 10, the system 10 responds as though the valve 54 is partially open rather than being cycled between its open and closed positions. Modulation is achieved by controlling the percentage of the time that valve 54 is on and off. To prevent a vacuum pump operation, the "off" position of valve 54 may need to permit a limited flow.

This pulse width modulation technique allows the suction line valve, when it is nominally in the fully closed position, to still allow a limited fluid flow by modulating the valve so

that the percentage of time that the valve is fully opened is very short compared to the percentage of time when it is fully closed. With this amendment to the independent claims, the rejection under 35 U.S.C. § 112 has been overcome.

In the Office Action, a Supplemental Declaration was required. Accompanying this Amendment is a Supplemental Declaration including the statement required in the Office Action.

In conclusion, this Amendment places the application in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date:

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By:



David R. Fairbairn, Reg. No. 26,047

THE KINNEY & LANGE BUILDING

312 South Third Street

Minneapolis, MN 55415-1002

Telephone: (612) 339-1863

Fax: (612) 339-6580

DRF:ks